

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JERRY HILL, individually and on behalf of
all others similarly situated,

Plaintiffs,

-vs.-

FLOSPORTS, INC.,

Defendant.

Case No. 1:22-cv-00854 (LJV)

**DEFENDANT FLOSPORTS, INC.’S
STATUS UPDATE**

Defendant FloSports, Inc. (“FloSports”) respectfully submits this status update pursuant to the Court’s July 31, 2023 Order. This action was filed by Plaintiff Jerry Hill (“Plaintiff”) individually and on behalf of all other similarly situated, on November 8, 2023. (ECF No. 1). Plaintiff filed an Amended Complaint on January 24, 2023. (ECF No. 11).

On February 24, 2023, FloSports filed a Motion to Dismiss the Amended Complaint (the “Motion to Dismiss”) and a Motion to Strike certain portions of the Amended Complaint (the “Motion to Strike”). (ECF Nos. 15, 16). The Motion to Dismiss and the Motion to Strike are fully briefed.

On July 27, 2023 FloSports filed an unopposed motion to stay all proceedings in this case (the “Motion to Stay”), including a decision on FloSports’ pending Motion to Dismiss and Motion to Strike based on FloSports’ filing of a Motion for Preliminary Approval of a Class Action Settlement (the “Preliminary Approval Motion”) in a matter pending in the Circuit Court of Dupage County for the State of Illinois, 18th Judicial District, captioned *Daniel O’Malley, Lucas Young, and Charles Buckingham v. FloSports, Inc.* (Case No. 2023-LA-000516) (the “Illinois

Action”), which was a continuation from a class action originally filed in the Northern District of California on August 29, 2022. (ECF No. 26). By Order dated July 31, 2023, the Court granted FloSports’ unopposed Motion to Stay and directed FloSports to file status reports with the Court concerning the Illinois Action.

Since the filing of FloSports’ Motion to Stay, the Court in the Illinois Action entered an Order on September 29, 2023, granting preliminary approval of class settlement (the “Preliminary Approval Order”). A copy of the Preliminary Approval Order is attached hereto as **Exhibit A**. Notice to class members commenced on October 27, 2023, and the claims deadline, and objection and exclusion deadline for class members are set for January 25, 2024. A final approval hearing is set for February 28, 2024.

FloSports will continue to update the Court concerning the Illinois Action and greatly appreciates the Court’s attention to this matter.

Dated: October 30, 2023

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s/ Ana Tagvoryan

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Attorneys for Defendant FloSports, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on October 30, 2023, a true and correct copy of the forefoing document was served on all counsel of record via the CM/ECF System of the Western District of New York.

Dated: October 30, 2023

s/ Ana Tagvoryan
Ana Tagvoryan